

Blount County Circuit Court	STATE OF TENNESSEE CIVIL SUMMONS Page 1 of 1	Case Number <u>L-18485</u>
Darleane Leonard v. American Security Insurance Company		
Served On:		
American Security Insurance Company	c/o State of Tennessee Commissioner of Insurance 500 James Robertson Parkway Nashville, Tennessee 37243	

You are hereby summoned to defend a civil action filed against you in Blount County Circuit Court. Your defense must be made within thirty (30) days from the date of this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the Petitioner's attorney at the address listed below. If you fail to do so, judgment by default may be rendered against you for the relief demanded in the petition.

Issued: 10-22-13

By: Tom Hatcher / J Kinney
 Clerk / Deputy Clerk

Attorney for Petitioner: Kevin W. Shepherd
200 E. Broadway Avenue, Suite 410, Maryville, TN 37804

NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE RESPONDENT(S): Tennessee law provides a ten thousand (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in T.C.A. § 26-2-301. If a judgement should be entered against you in this action and your wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

Mail list to: Thomas Hatcher, Clerk
 926 E. Lamar Alexander Parkway
 Maryville, TN 37804

CERTIFICATION (IF APPLICABLE)

I, Thomas Hatcher, Circuit County Clerk, do certify this to be a true and correct copy of the original summons issued in this case.

Date: _____

Clerk / Deputy Clerk - Blount County Circuit Court

OFFICER'S RETURN: Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

I certify that I have served this summons with the complaint as follows:

Date: _____ By: _____

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on _____, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above-styled case, to the Respondent _____. On _____, I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: _____

Notary Public/Deputy Clerk (Comm. Expires _____)

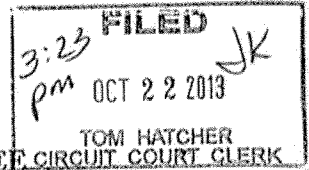
Signature of Plaintiff _____

Plaintiff's Attorney (or person authorized to serve process) _____

Bck
Comm
Ins

COPY

EXHIBIT A



IN THE CIRCUIT COURT FOR BLOUNT COUNTY, TENNESSEE

DARLEANE LEONARD,)
)
 Plaintiff,)
)
 v.)
)
 AMERICAN SECURITY INSURANCE)
 COMPANY,)
)
 Defendant.)

Docket No. L-18485

COMPLAINT

COMES NOW the Plaintiff, through counsel, and for cause of action against the Defendant would state as follows:

1. The Plaintiff is currently a citizen and resident of Arkansas, but at all times material herein to this lawsuit, lived in or owned property in Blount County, Tennessee, located at 2403 Sevier Avenue, Maryville, Tennessee 37804.
2. The Defendant is an insurance company licensed and regulated by the State of Tennessee, to provide homeowner's insurance in the State of Tennessee and may be served through the State of Tennessee Commissioner of Insurance at the address of TN Department of Commerce & Insurance, Service of Process Division, 500 James Robertson Parkway, Nashville, Tennessee 37243.
3. On or about July 29, 2005, the Plaintiff and her long-term friend, Shirley Shields, purchased property located at 2403 Sevier Avenue in Maryville, Tennessee, for the sum of \$137,900.00.
4. Ultimately, the mortgage company, U.S. Bank, required and purchased property

hazard insurance for the above-referenced property and said policy was paid for by the Plaintiff bearing policy number ALR537458400. This policy was sold by American Security Insurance Company and insured the home located at the above-address against damage or loss from fire and other hazards, and went into effect on July 29, 2012.

5. On October 23, 2012, a catastrophic house fire occurred resulting in a complete loss of the residence located at that address, and also resulting in the death of Shirley Shields.

6. Plaintiff made claim under the above-referenced policy and attempts to settle this matter on her own. The Defendant, despite repeated assurances, has failed or otherwise refused to pay the claim under this policy.

7. Plaintiff sues that Defendant for breach of contract, for the negligent infliction of emotional distress, and for bad faith in resolving this claim. Plaintiff would show that the Defendant, through its agents or representatives, gave false assurances to Plaintiff that the claim was being resolved.

8. The actions of the Defendant have been in clear violation of the contract (i.e. the policy) and Defendant is responsible for said damages, including, but not limited to, total loss of the house, and the emotional and psychological suffering by Plaintiff caused by their actions.

9. Plaintiff further asserts that the Defendant has violated T.C.A. § 56-8-103 by engaging in an unfair and deceptive act in which the hazard insurance policy at issue represents certain benefits to be payable to the policy holder, and that the Defendant has denied the benefits, which violates the terms of the policy.

10. Plaintiff further incorporates the allegations of the paragraph above, and believes that these actions have likewise violated the Tennessee Consumer Protection Act by engaging in unfair and deceptive acts in violation of T.C.A. § 47-18-104, thus causing damage to Plaintiff.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for the following relief:

1. That process issue and be served upon Defendant through the Tennessee Commissioner of Insurance, requiring them to answer under oath.
2. That a jury be empaneled to hear the issues herein.
3. That for compensatory damages, that Plaintiff receive an amount not to exceed \$225,000.00
4. That Plaintiff receive pre-judgment and post-judgment interest, and any other relief to which she may be entitled.
5. That Plaintiff receive treble damages and attorney fees as authorized by the Tennessee Consumer Protection Act.

RESPECTFULLY SUBMITTED this 18 day of October, 2013.


DARLEANE LEONARD

STATE OF Arkansas
COUNTY OF Lawrence

I, Darleane Leonard, do hereby make oath in due form of law that the statements made in the foregoing Complaint are true and correct to the best of my knowledge and belief, and that the Complaint is not made out of levity or by collusion, but in sincerity and truth and for the causes set forth in said Complaint.


DARLEANE LEONARD

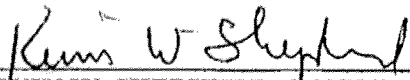
SWORN TO AND SUBSCRIBED before me this 18th day of October, 2013.

My Commission Expires: 5/13/2021


NOTARY PUBLIC

Peggy J. Sharp
NOTARY PUBLIC
Lawrence County, Arkansas
My Commission Expires 5-3-2021
#12382283

OF COUNSEL:


KEVIN W. SHEPHERD (012791)
Attorney for Plaintiff
200 E. Broadway Avenue, Suite 410
Maryville, Tennessee 37804
(865) 982-8060

COST BOND

We acknowledge ourselves as surety for costs in this cause in accordance with T.C.A. § 20-12-120.


KEVIN W. SHEPHERD
Attorney for Plaintiff


DARLEANE LEONARD



CORPORATION SERVICE COMPANY

Notice of Service of Process

BHY / ALL
Transmittal Number: 11780709
Date Processed: 10/30/2013

Primary Contact: Ms. Susan Small
Assurant Group
260 Interstate North Circle SE
Atlanta, GA 30339-2111

Entity:	American Security Insurance Company Entity ID Number 1874436
Entity Served:	American Security Insurance Company
Title of Action:	Darleane Leonard vs. American Security Insurance Company
Document(s) Type:	Summons/Complaint
Nature of Action:	Contract
Court/Agency:	Blount County General Sessions Court, Tennessee
Case/Reference No:	L-18485
Jurisdiction Served:	Tennessee
Date Served on CSC:	10/30/2013
Answer or Appearance Due:	30 Days
Originally Served On:	TN - Dept. of Commerce and Insurance on 10/10/2013
How Served:	Certified Mail
Sender Information:	Kevin W. Shepherd 865-982-8060

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
CSC is SAS70 Type II certified for its Litigation Management System.
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com

STATE OF TENNESSEE
Department of Commerce and Insurance
500 James Robertson Parkway
Nashville, TN 37243-1131
PH - 615.532.5260, FX - 615.532.2788
Jerald.E.Gilbert@tn.gov

October 28, 2013

American Security Insurance Company
2908 Poston Avenue, % C S C
Nashville, TN 37203
NAIC # 42978

Certified Mail
Return Receipt Requested
7012 1010 0002 9210 5597
Cashier # 11580

Re: Darleane Leonard V. American Security Insurance Company

Docket # L-18485

To Whom It May Concern:

Pursuant to Tennessee Code Annotated § 56-2-504 or § 56-2-506, the Department of Commerce and Insurance was served October 28, 2013, on your behalf in connection with the above-styled proceeding. Documentation relating to the subject is herein enclosed.

Jerald E. Gilbert
Designated Agent
Service of Process

Enclosures

cc: Circuit Court Clerk
Blount County
926 E. Lamar Alexander Pkwy.
Maryville, Tn 37804-6201

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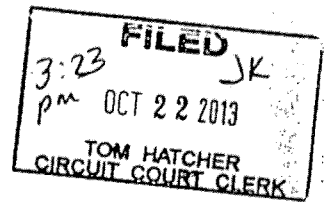
Signature of Plaintiff _____

Plaintiff's Attorney (or person authorized to serve process)

DEFENDANT'S COPY

1566
COMM
IND

IN THE CIRCUIT COURT FOR BLOUNT COUNTY, TENNESSEE



DARLEANE LEONARD,

Plaintiff,

v.

AMERICAN SECURITY INSURANCE
COMPANY,

Defendant.

Docket No.

L-18485

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DARLEANE LEONARD

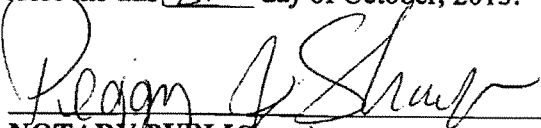
STATE OF Arkansas
COUNTY OF Lawrence

I, Darleane Leonard, do hereby make oath in due form of law that the statements made in the foregoing Complaint are true and correct to the best of my knowledge and belief, and that the Complaint is not made out of levity or by collusion, but in sincerity and truth and for the causes set forth in said Complaint.


DARLEANE LEONARD


SWORN TO AND SUBSCRIBED before me this 18th day of October, 2013.

My Commission Expires: 5/3/2021


NOTARY PUBLIC

Peggy J. Sharp
NOTARY PUBLIC
Lawrence County, Arkansas
My Commission Expires 5-3-2021
#12382283

OF COUNSEL:


KEVIN W. SHEPHERD (012791)
Attorney for Plaintiff
200 E. Broadway Avenue, Suite 410
Maryville, Tennessee 37804
(865) 982-8060

COST BOND

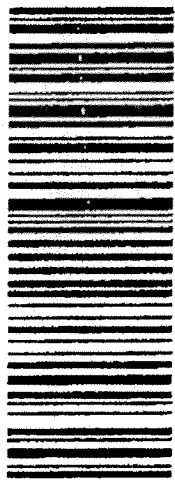
We acknowledge ourselves as surety for costs in this cause in accordance with T.C.A. § 20-12-120.


KEVIN W. SHEPHERD
Attorney for Plaintiff


DARLEANE LEONARD

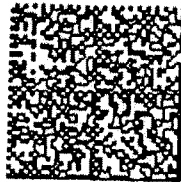
State of Tennessee
Dept. of Commerce & Insurance
Service of Process
500 James Robertson Parkway
Nashville, TN 37243

CERTIFIED MAIL™



7012 1010 0002 9210 5597

FIRST CLASS



UNITED STATES POSTAGE
02 1M
0004292626
\$ 06.310
OCT 29 2013
MAILED FROM ZIP CODE 37243

7012 1010 0002 9210 5597
10/28/13
AMERICAN SECURITY INSURANCE COMPANY
2908 POSTON AVENUE, % C S C
NASHVILLE, TN 37203

37203\$1312 C025